

reach the Secretary of State not later than fifteen days prior to the date of the holding of the special election to fill the vacancy in order to entitle such independent candidate to have his name printed in the independent column on the official ballot; providing further that in any such special election to fill such vacancy the voters may write on the ballot the name of the person for whom they desire to vote as in other elections.

(c). No person shall have his name printed on the official ballot in any such election to fill such a vacancy as the candidate of any political party or as an independent candidate except that the provisions of this Act and said Articles 3160 to 3168, both inclusive, as well as all other applicable law, have been complied with.

#### Committee Amendment No. 5.

In the last Section of the House Bill strike out the figures "15" and insert in lieu thereof "16," making the last section, which is the emergency clause, "Section 16."

#### Committee Amendment No. 6.

Amend the caption to House Bill No. 424 by striking out the last four words of said caption, said words being "and declaring an emergency," and insert in lieu thereof the following: "and further providing for filling of vacancies occurring in the office of Congressman, United States Senator and State and district offices which are filled by election; authorizing political party executive committees to provide for the nomination of party candidates in elections to fill such vacancies; providing for independent candidates in such elections and writing of names on official ballots; prescribing regulations as to placing of party candidates on official ballots; and declaring an emergency."

And as amended we recommend that the bill do pass and that the original bill with these committee amendments be printed in the Journal and not otherwise.

DAVIS, Chairman.

#### FORTY-FIRST DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, March 7, 1923.

The Senate met at 3:30 o'clock p. m. pursuant to adjournment, and was

called to order by President Pro Tem Dudley.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	McMillin.
Bledsoe.	Murphy.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Baugh.

Parr.

Absent—Excused.

Clark.  
Rogers.

Thomas.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Strong.

#### Bills and Resolutions.

By Senator Ridgeway:

S. B. No. 430, A bill to be entitled "An Act authorizing the Fredericksburg Independent School District to sell and convey a certain tract of land situated in the town of Fredericksburg in Gillespie County, Texas, and declaring an emergency."

Read first time and referred to committee on Educational Affairs.

#### H. B. No. 12 on Passage to Third Reading.

Senator Davis called up H. B. No. 12 relating to tax on gasoline, which was read the second time on March 6 and laid on the table subject to call.

The Chair laid the bill before the Senate.

Senator Davis offered the following substitute for the amendments recommended by the majority committee report:

Amend H. B. No. 12, by striking out all after the enacting clause and insert in lieu thereof the following:

That Chapter 2, Title 126, of the Revised Civil Statutes of Texas of 1911 be, and the same is hereby amended by the addition thereto of Article 7377a, which shall read as follows:

Section 1 (a). The term "wholesale dealer" shall include any person, firm, corporation or association of persons who buys, compounds, manufactures, imports or refines gasoline, or any of its substitutes, and sells or delivers for sale the same to the retail dealer, who in turn resells the same to the customer; and shall also include the manufacturer, importer, refiner, and compounder who sells the same at retail direct or through an agent to the consumer; (b) the term "sale," as used in this Act, shall be construed to include the sale of what is commercially known as gasoline, or any substitute therefor, by whatever name known, sold, manufactured, refined, derived, prepared or compounded from petroleum or natural gas, when and if said sale is made within this State in intrastate commerce only, but shall not include kerosene.

Sec. 2. An occupation tax equal to one cent upon each gallon sold by wholesale dealers, as defined by this Act, for consumption within this State is hereby imposed upon what is commercially known as gasoline and all substitutes therefor by whatever name known, sold, manufactured, refined, derived, prepared or compounded from petroleum.

Sec. 3. Every wholesale dealer, as herein defined, shall on or before the 25th day of each month transmit to the Comptroller of Public Accounts a report under oath (on such forms as the Comptroller of Public Accounts shall prescribe) of the total number of gallons of gasoline, or such gasoline substitutes, sold at wholesale for consumption within this State during the preceding month, and shall at the same time pay to the Treasurer of this State an amount equal to one cent upon each gallon of such gasoline, or gasoline substitute, so sold during the preceding month.

Sec. 4. Any wholesale dealer, as in this Act defined, who shall fail to make report of sales and make payment of taxes due, as prescribed in the preceding section, shall pay an additional cent upon each gallon sold during the month in default, and shall be taxed ten (10%) per cent

upon the full amount of each month thereafter until said report and payment to the Treasurer shall have been made.

Sec. 5. In case of default in report and payment of taxes imposed by this Act on the part of any wholesaler, as defined in this Act, it shall be the duty of the Attorney General, District Attorney, or any county attorney, or either of them, to bring suit in a court of competent jurisdiction within the county of the residence of such dealer to recover the amount of the taxes and penalties due, and upon collection thereof said attorney shall receive a fee equal to one-half of one cent for each gallon upon which said taxes are due.

Sec. 6. The tax hereby imposed shall be in lieu of all other occupation taxes on the sale of gasoline or such gasoline substitutes and all laws or parts of laws heretofore enacted and in conflict herewith are hereby repealed.

Sec. 7. The funds derived from the occupation tax herein authorized to be collected, and coming into the general revenues of the State therefrom, are hereby appropriated for the biennium beginning September 1, 1923, one-fourth to the available public free school fund, and the remaining three-fourths to the construction and maintenance of the public highways of the State constituting a part of the State system of public highways as designated by the State Highway Commission, and such funds shall be set aside from the general revenues of the State Treasurer when and as collected, and shall become a part of the available public free school fund and the state highway fund respectively, and shall be subject to disbursement in accordance with the statutes controlling the distribution of such funds.

Sec. 8. If any section or provision of this Act shall be held void and of no effect such construction shall not affect the remaining sections or provisions of this Act which shall remain in full force and effect.

Sec. 9. The fact that the public free schools and the highways require additional funds creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read on three several days, and said rule is accordingly hereby suspended; and this Act shall take effect and be in

force from and after April 1, 1923, and the first report and payment required under this Act shall be made on or before May 25, 1923.

The substitute was adopted, and the majority committee report carrying amendment, as substituted, was adopted.

Senator Burkett offered the following amendment to the bill:

Amend H. B. No. 12 by striking out all of Section 1 and adding in lieu thereof the following:

Section 1. The term "wholesale dealer" as used in this Act is hereby defined as any person, firm, association or corporation in the State of Texas, who produces, refines, buys or compounds what is commercially known as gasoline or any of its substitutes or who receives, distributes, delivers, sells or offers to sell such gasoline or any of its substitutes within the State of Texas, and shall include any producer, refiner, manufacturer or compounder of such gasoline or any of its substitutes, who sells the same at retail direct or through an agent to the consumer or any person, firm, association or corporation within the State of Texas who receives, imports, transports, delivers, sells or offers to sell any such gasoline or any of its substitutes that has been transported by any means, system or method into the State of Texas from any other state, territory or nation if said gasoline or any of its substitutes as above defined has ceased to be an interstate commerce shipment.

Yeas and nays were demanded, and the amendment was adopted by the following vote:

**Yeas—21.**

Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Ridgeway.
Darwin.	Strong.
Dudley.	Stuart.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

**Nays—2.**

Davis.	Wirtz.
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**Absent.**

Bailey.	Doyle.
Baugh.	Rice.
Cousins.	

**Absent—Excused.**

Clark.	Thomas.
Rogers.	

Senator Stuart offered the following amendment to the bill:

Amend H. B. No. 12 as follows: By striking out the caption and inserting in lieu thereof the following:

A bill to be entitled "An Act to amend Chapter 2, Title 126, Article 7377, of the Revised Civil Statutes of 1911, relating to and imposing an occupation tax based on gross receipts, providing for a tax upon wholesale dealers in the sale of gasoline or any substitute therefor; defining a wholesaler, defining sales of gasoline or substitute therefor; providing for and the manner of reporting such sales, and the collection of the said occupation tax; setting forth the penalties prescribed for failure to make such reports and to pay such tax; providing for the payment of all such tax collections into the general revenue and for the appropriation of such sums from the general revenue to the available public school fund and to the State Highway fund; and for the disbursement of the amounts appropriated; providing that if any part of this Act shall be declared ineffective such decision shall not affect the remaining provisions; and declaring an emergency."

The amendment was adopted.

Senator Stuart offered the following amendment to the bill:

Amend H. B. No. 12 by striking out the section between the enacting clause and Section 1 thereof, and substituting the following:

That Article 7377, Chapter 2, Title 126, of the Revised Civil Statutes of Texas of 1911, be and the same is hereby amended to read as follows:

The amendment was adopted.

Senator Wirtz offered the following amendment to the bill:

Amend H. B. No. 12 by striking out Section 7 of said pending substitute.

The amendment was lost.

H. B. No. 12 was then passed to third reading.

**H. B. No. 12 on Third Reading.**

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days in

each house was suspended and H. B. No. 12 was put upon its third reading and final passage by the following vote:

Yeas—23.

Bowers.	Pollard.
Burkett.	Ridgeway.
Cousins.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Holbrook.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	Woods.
Parr.	

Nays—1.

Darwin.

Absent.

Bailey.	Floyd.
Baugh.	Rice.
Bledsoe.	

Absent—Excused.

Clark.	Rogers.
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The Chair then laid H. B. No. 12 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—25.

Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Ridgeway.
Cousins.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Nays—1.

Darwin.

Absent.

Bailey.	Rice.
Baugh.	

Absent—Excused.

Clark.	Rogers.
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**S. B. No. 281—House Amendments Concurred In.**

Senator Parr called up S. B. No. 281 and moved that the Senate concur in the following House amendments:

Amend S. B. No. 281 by adding at the end of Section 2 the following:

Provided that when the sinking fund created under the provisions of this Act shall become sufficient to retire the bonds provided to be issued hereunder, based on the 1924 valuation as an average, this Act shall cease to be operative and the release of taxes hereby made shall cease.

The Chair laid the bill before the Senate, and the House amendments were concurred in by the following vote:

Yeas—21.

Bailey.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Holbrook.	Witt.
Murphy.	Wood.
Parr.	

Nays—4.

Bledsoe.	McMillin.
Lewis.	Woods.

Absent.

Baugh.	Floyd.
Doyle.	Rice.

Absent—Excused.

Clark.	Rogers.
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#### Message From the Governor.

Mr. R. B. Walthall, secretary to the Governor, appeared at the bar of the Senate, and being duly announced, presented the following message from the Governor, which was read to the Senate:

Governor's Office,

Austin, Texas, March 7, 1923.

To the members of the Texas Senate, Thirty-eighth Legislature.

Gentlemen: I return herewith to you, with my disapproval and veto, Senate Bill No. 158. This Act creates and makes permanent the Ninety-first Judicial District Court for Eastland County. This court was originally created by the Thirty-sixth Legislature as a temporary court, extending until January 1st, 1925, and this bill seeks at this time to make this temporary court permanent.

Eastland County has had, for the past three years, and will have until

January 1, 1925, two district courts. The legal business of Eastland County does not present such a state of facts as would justify, in my opinion, the establishment of two permanent district courts. There is nothing to indicate that the two courts now functioning for that county will not catch up with the district court business of the county before January 1st, 1925, at which time the Ninety-first Judicial District Court sought by this Act to be perpetuated, ceases to function. If in January, 1925, the facts justify it, the Regular Session of the Thirty-ninth Legislature can give whatever relief is desired. Therefore, I am returning herewith Senate Bill No. 158, with my veto and disapproval.

Respectfully,  
PAT. M. NEFF, Governor.

**S. B. No. 158—Passed Over Governor's Veto.**

Senator Burkett called up from the President's table S. B. No. 158, and moved that the bill be reconsidered and passed notwithstanding the Governor's veto.

The Chair laid the bill before the Senate, and the bill was finally passed, notwithstanding the Governor's veto, by the following vote:

**Yeas—15.**

Bledsoe.	Ridgeway.
Burkett.	Stuart.
Darwin.	Turner.
Davis.	Watts.
Dudley.	Wirtz.
Floyd.	Witt.
McMillin.	Wood.
Pollard.	

**Nays—3.**

Cousins.	Murphy.
Lewis.	

**Present—Not Voting.**

Fairchild.	Woods.
Strong.	

**Absent.**

Bailey.	Holbrook.
Baugh.	Parr.
Bowers.	Thomas.
Doyle.	Rice.

**Absent—Excused.**

Clark.	Rogers.
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**H. B. No. 328 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage.

H. B. No. 328, A bill to be entitled "An Act to repeal Article 7383a as enacted by the Thirty-sixth Legislature relating to occupation taxes based upon gross receipts and adding in lieu thereof a new Article 7383a, providing an occupation tax on sulphur produced in the State of Texas by individuals, companies, corporations and associations; providing that in the event of either or a part of Article be held unconstitutional by the courts it shall not invalidate the remainder of said Article; and declaring an emergency."

The bill was read third time and passed by the following vote:

**Yeas—19.**

Bledsoe.	Rice.
Burkett.	Ridgeway.
Davis.	Strong.
Dudley.	Stuart.
Fairchild.	Turner.
Floyd.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
Parr.	Woods.
Pollard.	

**Nays—6.**

Bailey.	Holbrook.
Cousins.	Murphy.
Darwin.	Watts.

**Absent.**

Baugh.	Doyle.
Bowers.	Thomas.

**Absent—Excused.**

Clark.	Rogers.
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**S. B. No. 361 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage.

H. B. No. 361, A bill to be entitled "An Act to amend Chapter 190 of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 71, of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, as amended by Chapter 113 of the General Laws of the Regular Session of the Thirty-sixth Legislature, as amended by Chapter 131

of the General Laws of the Regular Session of the Thirty-seventh Legislature, as amended by Chapter 52 of the General Laws of the First Called Session of the Thirty-seventh Legislature, by amending Section 16 of said Chapter 190 as amended, and by adding to said Chapter 190 sixteen new sections to be known as Sections 16a, 16b, 16c, 16d, 16e, 16f, 16g, 16h, 16i, 16j, 16k, 16l, 16m, 16n, 16o, 16p, so as to provide for the registration of motor vehicles, tractors, trailers, semi-trailers and motorcycles, requiring applications to be filed for the registering of such vehicles and prescribing the fees that shall be paid for their registration, defining commercial motor vehicles and tractors, prescribing penalties for the operation of a motor vehicle on the public highway not registered in accordance with the provisions of this Act, authorizing peace officers to detain certain vehicles not properly registered, prescribing the maximum weights and dimensions of motor vehicles that may be operated on the public highways, providing an additional registration fee for passenger motor vehicles with a seating capacity of more than seven passengers, prescribing the methods by which the fees provided herein shall be computed, requiring commercial motor vehicles to be equipped with rear-view mirrors and with tires of a prescribed minimum width and thickness, authorizing local authorities in charge of the highways to restrict the use of said highways under certain conditions, providing for the recovery of damages for undue injury of highways, the use of which has been so restricted; amending Section 3, Chapter 73, General Laws of the Fourth Called Session of the Thirty-fifth Legislature, as amended by Section 4, Chapter 1133 of the General Laws of the Regular Session of the Thirty-sixth Legislature so as to provide for distribution and apportionment of license fees collected under this Act; also authorizing the State Highway Commission, on and after January 1, 1924, to maintain the designated State highways and to pay the expenses of such maintenance out of funds derived under this Act insofar as said funds are available for that purpose, requiring the State Highway Commission to publish a full budget and plan of maintenance; to

provide for a quarterly pro ration of the fees prescribed herein; providing that the unconstitutionality of any section of this Act shall not affect any other section of the Act; providing that the license fees prescribed herein for commercial motor vehicles, tractors, trailers and semi-trailers shall be charged for the registration of such vehicles registered during the remainder of the calendar year, 1923, and for subsequent calendar years and that the license fees prescribed in this Act for passenger motor vehicles shall be charged for the registration of all passenger cars for the calendar year 1924 and for subsequent calendar years; prescribing penalties for violation of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time.

Senator Murphy moved to postpone the bill until after the morning call tomorrow.

Senator Burkett moved to table the motion to postpone, and the motion to table was lost.

Question recurring on the motion to postpone, it prevailed.

#### Recess.

On motion of Senator Davis, the Senate at 5 p. m. recessed to 7:30 p. m. today.

#### Night Session.

The Senate met at 7:30 p. m. and was called to order by President Pro Tem R. M. Dudley.

#### H. B. No. 379—Recommitted.

On motion of Senator Wood, H. B. No. 379 was recommitted to the Committee on State Affairs.

#### S. B. No. 239 on Second Reading.

On motion of Senator Murphy, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 239, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office of the State of Texas to issue an oil and gas

lease to Mrs. Virgie D. Hardee, for a term of five years, and subject to renewal for ten years if oil or gas should be found in paying quantities, upon the seventy-six and one-half acres in San Jacinto Bay, Harris County, that was heretofore included in oil and gas permit No. 2168, issued by the Commissioner of the General Land Office to the said Mrs. Hardee on August 2, 1917, and to H. M. Holden, his heirs or assigns, for a like term of five years upon the 703.86 acres in Nueces Bay, Nueces County, that was heretofore included in oil and gas permit number 5242, issued by the Commissioner of the General Land Office to the said Holden on October 17, 1919, and to R. L. Garrett, his heirs or assigns, for a like term of five years upon the 991.48 acres in Nueces Bay, Nueces County, Texas, that was heretofore included in oil and gas permit number 5246, issued by the Commissioner of the General Land Office to the said Garrett on October 17, 1919, condition that the respective owners of said leases shall pay to the General Land Office, in advance each of the five years, for the benefit of the Available School Fund, a sum of money equal to twenty-five cents per acre for the first year; fifty cents per acre for the second year; seventy-five cents per acre for the third year and one dollar per acre for the fourth and fifth years; provided, no further sum per acre shall be paid after oil and gas shall have been developed in paying quantities and a royalty begins to be paid and continues to be paid monthly, equal to one-eighth of the value of the gross production of oil and gas, providing for forfeiture and reinstatement, and declaring an emergency."

The bill was read second time, and it was passed to engrossment.

#### **H. B. No. 616 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 616, A bill to be entitled "An Act creating the Union Hill Independent School District in Swisher County, Texas; defining its boundaries; providing for a board of trustees in said district; conferred upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the election of its first board of trustees and their

successors; providing for the appointment of a board of equalization, and tax assessor and collector for said district, and declaring an emergency."

The bill was read the second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

#### **H. B. No. 375 on Second Reading**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 375, A bill to be entitled "An Act creating the Carbon Independent School District in Eastland County, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges, duties and liabilities now conferred and imposed by the General Laws of Texas upon independent school districts, and the board of trustees thereof; declaring that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof shall remain in full force and effect, and declaring an emergency."

The bill was read the second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

#### **H. B. No. 644 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 644, A bill to be entitled "An Act correcting the boundaries of the present Hale Center Independent School District; providing for payment of bonds issued by the present district; and declaring an emergency."

The bill was read the second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

#### **H. B. No. 651 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 651, A bill to be entitled "An Act to create the Denson Inde-

pendent School District in Williamson County, Texas, including the present Denson School District of said county, providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights and powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Denson School District shall continue to act as such until their successors are elected and qualified in accordance with the General Laws of Texas; and declaring an emergency."

The bill was read the second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

#### H. B. No. 652 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 652, A bill to be entitled "An Act to create the Knox City Independent School District in Knox County, Texas, including the present Knox City District of said county, providing for a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Knox City District shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, providing for the extension of the boundaries of said district, and declaring an emergency."

The bill was read the second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

#### H. B. No. 660 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 660, A bill to be entitled "An Act creating and incorporating Lakeview Independent School Dis-

trict in Dawson County, Texas, out of territory now comprising Lakeview Common School District No. 25; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualification, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Lakeview Independent School District shall assume and discharge any and all bonds and other indebtedness constituting valid and binding obligations of said Lakeview Common School District No. 25 of Dawson County; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions hereof, and declaring an emergency."

The bill was read the second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

#### H. B. No. 502 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 502, A bill to be entitled "An Act to authorize the commissioners courts of Hudspeth and Culberson Counties, Texas, each to make contracts not in excess of seventy-five dollars per month for services to be performed by the district attorney of the Thirty-fourth Judicial District of Texas."

The bill was read the second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.



**H. B. No. 582 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 582, A bill to be entitled "An Act creating the Fairview Independent School District in Wichita County, Texas; defining its boundaries; providing for a board of trustees of said independent school district; describing their qualifications and terms of office; defining the rights, powers and privileges of said board; and conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State of Texas upon independent school districts and the board of trustees thereof; providing for the creation of a board of trustees; providing for the raising of revenues; declaring valid a maintenance tax heretofore voted; and providing for the assessment and collection of said tax and for a board of equalization of said school district; and providing for the election of trustees thereof; providing for the transportation of pupils under certain conditions, and repealing all laws in so far as they may be in conflict herewith, and declaring an emergency."

The bill was read third time and passed by the following vote:

**Yeas—28.**

Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin	Woods.

**Absent—Excused.**

Pailey.	Rogers.
Clark.	

**S. B. No. 243 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 243, A bill to be entitled "An Act to prescribe a closed season

for the hunting of blue or scaled quail in Lampasas County, Texas, and to provide adequate penalties for the unlawful taking, slaughter, storage or possession of same; to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

**H. B. No. 499 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 499, A bill to be entitled "An Act to prescribe a closed season on quail and doves in Grayson and Collin counties; providing penalties for violation for same; providing that roadrunners or chaparrals may be killed at any time, and providing that if any section or part of section in this Act be declared unconstitutional, the remainder of such Act shall remain in full force and effect; adequate fees for the securing of convictions; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time, and was passed to third reading.

**S. B. No. 360 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 360, A bill to be entitled "An Act declaring the male Juniperus Sabinoives or pollen mountain cedar tree a public nuisance and menace to the public health, and especially to the health of those in the State educational and eleemosynary institutions; declaring the destruction of such trees within certain areas to be an imperative public necessity; authorizing and making it the duty of a commission composed of the members of the State Board of Control and the State Health Officer to destroy by cutting down all mountain cedar trees which do not bear berries, situated within a radius of five miles of each and every State educational and eleemosynary institution; prescribing the method of doing such work; authorizing the employment of assistants and agents; providing for the pay-

ment to the owner for the trees cut down and damages; authorizing, where necessary, the condemnation of such trees and prescribing the method of such condemnation; prescribing the method of paying for said trees and damages and the expense of carrying out the provisions of this Act; making it a misdemeanor for any person to bring any mountain cedar trees or part thereof, unless the same bears berries, or unless without foliage, bloom, seed and pollen, into the area within the radius of five miles of any State educational or eleemosynary institution, or the bringing of same from any point within such area into the bounds of any incorporated city or town therein; prescribing penalties for its violation, and declaring an emergency."

The bill was read second time and laid on the table subject to call.

#### S. B. No. 376 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 376, A bill to be entitled "An Act to authorize the commissioners' courts of Hudspeth and Culberson Counties, Texas, each to pay the sum of seventy-five dollars per month to the office of district attorney of the Thirty-fourth Judicial District of Texas, and declaring an emergency."

The bill was read second time and laid on the table subject to call.

#### S. B. No. 392 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 392, A bill to be entitled "An Act to create the Denson Independent School District in Williamson County, Texas, including the present Denson School District of said county; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights and powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present

Denson School District shall continue to act as such until their successors are elected and qualified in accordance with the General Laws of Texas; and declaring an emergency."

The bill was read second time and laid on the table subject to call.

#### S. B. No. 339 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 339, A bill to be entitled "An Act to increase the civil jurisdiction of the county court of Hockley County and the unorganized county of Cochran; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### S. B. No. 339 on Third Reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days in each House was suspended and S. B. No. 339 was put upon its third reading and final passage by the following vote:

Yeas—26.

Baugh.	McMillin.
Bledsoe.	Murphy.
Bowers.	Parr.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Pollard.	Witt.
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Absent—Excused.

Bailey.	Rogers.
Clark.	

The Chair then laid S. B. No. 339 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—23.

Baugh.	Murphy.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Wood.
Holbrook.	Woods.
McMillin.	

## Absent.

Cousins.	Pollard.
Lewis.	Witt.
Parr.	

## Absent—Excused.

Bailey.	Rogers.
Clark.	

**S. B. No. 70 on Passage to Third Reading.**

Senator Holbrook called up S. B. No. 70, relating to pension for old people, which was read the second time on January 31 and laid on the table subject to call.

The Chair laid the bill before the Senate, and it was passed to engrossment.

**S. B. No. 430 on Third Reading.**

On motion of Senator Ridgeway, the constitutional rule requiring bills to be read three several days in each House was suspended and S. B. No. 430 was put upon its second reading and passage to third reading by the following vote:

## Yeas—25.

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Wood.
McMillin.	Woods.
Murphy.	

## Absent.

Cousins.	Witt.
Lewis.	

## Absent—Excused.

Bailey.	Rogers.
Clark.	

The Chair then laid before the Senate on second reading,

S. B. No. 430, A bill to be entitled "An Act authorizing the Fredericksburg Independent School District to sell and convey a certain tract of land situated in the town of Fredericksburg in Gillespie County, Texas, and declaring an emergency."

The bill was read the second time, the committee report that the bill be not printed was adopted, the Senate rule requiring committee reports to lie over one day was suspended and it was passed to third reading.

**S. B. No. 430 on Third Reading.**

On motion of Senator Ridgeway, the constitutional rule requiring bills to be read on three several days in each House was suspended and S. B. No. 430 was put upon its third reading and final passage by the following vote:

## Yeas—25.

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Wood.
McMillin.	Woods.
Murphy.	

## Absent.

Cousins.	Witt.
Lewis.	
Absent—Excused.	
Bailey.	Rogers.
Clark.	

The Chair then laid S. B. No. 430 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—25.

Baugh.	Darwin.
Bledsoe.	Davis.
Bowers.	Doyle.
Burkett.	Dudley.

Fairchild.	Strong.
Floyd.	Stuart.
Holbrook.	Thomas.
McMillin.	Turner.
Murphy.	Watts.
Parr.	Wirtz.
Pollard.	Wood.
Rice.	Woods.

Ridgeway.

Absent.

Cousins.	Witt.
Lewis.	

Absent—Excused.

Bailey.	Rogers.
Clark.	

**S. B. No. 428 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 428, A bill to be entitled "An Act amending Chapter 64 of the General Laws of the Thirty-fourth Legislature, passed at its Regular Session, fixing the time for holding court in the Twenty-second Judicial District, and changing the time of holding the district courts in Austin, Hays and Caldwell Counties, and providing an extra term of court each year for the counties of Hays and Caldwell; to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to engrossment.

**S. B. No. 428 on Third Reading.**

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days in each House was suspended and S. B. No. 428 was put upon its third reading and final passage by the following vote:

Yeas—25.

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Wood.
McMillin.	Woods.

Absent.

Cousins.	Witt.
Lewis.	

Absent—Excused.

Bailey.	Rogers.
Clark.	

The Chair then laid S. B. No. 428 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—24.

Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Darwin.	Ridgeway.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Wood.
McMillin.	Woods.

Absent.

Cousins.	Strong.
Lewis.	Witt.

Absent—Excused.

Bailey.	Rogers.
Clark.	

**S. B. No. 418 on Second Reading.**

On motion of Senator Wood, by unanimous consent, the regular order of business was suspended and the Senate took up out of its regular order, on its second reading and passage to engrossment,

S. B. No. 418, A bill to be entitled "An Act granting and dedicating to the City of Austin, Texas, for exclusively municipal park and other recreational purposes 6.41 acres of land, more or less, situated in or near the City of Austin, with reservation, and declaring an emergency."

The Chair laid the bill before the Senate and it was read second time.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 418 by adding a new section to read as follows:

Provided that should the grantee herein abandon said lands, or any part thereof, or cease to use the same for the purposes herein set out, then in that event, the property conveyed shall revert back to the State of Texas, and provided further that if said grantee does not begin to use said lands for

the purposes herein named by the first day of January, 1925, then this Act shall not be operative.

The amendment was adopted.

Question recurred on the engrossment of the bill.

Yeas and nays were demanded, and the bill passed to engrossment by the following vote:

**Yeas—13.**

Bowers.	Parr.
Burkett.	Pollard.
Davis.	Strong.
Doyle.	Turner.
Dudley.	Wirtz.
Fairchild.	Wood.
Floyd.	

**Nays—10.**

Baugh.	Murphy.
Bledsoe.	Rice.
Cousins.	Ridgeway.
Darwin.	Watts.
McMillin.	Woods.

**Absent.**

Holbrook.	Thomas.
Lewis.	Witt.
Stuart.	

**Absent—Excused.**

Bailey.	Rogers.
Clark.	

**Excused.**

Senator Bailey for tonight, on account of sickness, on motion of Senator Woods.

**H. B. No. 182 on Passage to Third Reading.**

Senator Baugh called up H. B. No. 182 relating to exemption of payment of educational fees of ex-service men, which was read the second time on February 5 and laid on the table subject to call.

The Chair laid the bill before the Senate.

Senator Baugh offered the following amendments to the bill:

**(1).**

Amend H. B. No. 182 as printed in the Senate Journal, page 2, line 1, immediately following the word "therefrom" and inserting therein the following: "and who are not entitled to receive such benefits under the Act of Congress known as the Vocational Rehabilitation Act."

**(2).**

Amend H. B. No. 182 as printed in the Senate Journal, page 1, line 23, immediately after the word "war" and before the word "and" in the caption by inserting therein the following: "and who were honorably discharged therefrom, and who are not entitled to receive such benefits under the Act of Congress known as the Vocational Rehabilitation Act."

The amendments were adopted.

The bill was then passed to third reading.

**H. B. No. 182 on Third Reading.**

On motion of Senator Baugh, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 182 put on its third reading and final passage by the following vote:

**Yeas—25.**

Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Wood.
Holbrook.	Woods.
McMillin.	

**Absent.**

Lewis.	Witt.
Stuart.	

**Absent—Excused.**

Bailey.	Rogers.
Clark.	

The Chair then laid H. B. No. 182 before the Senate on its third reading and final passage.

The bill was read third time and passed.

**S. B. No. 396 on Second Reading.**

On motion of Senator Pollard, by unanimous consent, the regular order was suspended and the Senate took up out of its order,

S. B. No. 369, A bill to be entitled "An Act to provide that county judges may authorize the payment of premiums on bonds of guardians, administrators or executors where such

bonds are made by approved surety companies, out of the estate being administered by such guardians, administrators or executors."

The Chair laid the bill before the Senate and it was read second time.

Senator Wirtz offered the following amendment to the bill:

Amend S. B. No. 369 by adding a new section to read as follows:

"Provided that where the premium is paid out of the estate, no fee shall be allowed the guardian, administrator or executor for his official services."

On motion of Senator Floyd, the amendment was tabled.

Senator Wirtz offered the following amendment to the bill:

Amend S. B. No. 369 by adding a new section to read as follows:

"Provided this Act shall not apply where the appraisal value of the estate exceeds the amount of five thousand dollars."

On motion of Senator Pollard the amendment was tabled.

Yeas and nays were demanded, and S. B. No. 369, was passed to engrossment by the following vote:

#### Yeas—18.

Baugh.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Darwin.	Ridgeway.
Davis.	Thomas.
Dudley.	Turner.
Floyd.	Watts.
McMillin.	Wood.
Murphy.	Woods.

#### Nays—4.

Bledsoe.	Wirtz.
Fairchild.	Witt.

#### Absent.

Cousins.	Lewis.
Doyle.	Strong.
Holbrook.	Stuart.

#### Absent—Excused.

Bailey.	Rogers.
Clark.	

#### S. B. No. 421 on Second Reading.

On motion of Senator Parr, by unanimous consent, the regular order of business was suspended and the Senate took up out of its regular order, on its second reading and passage to engrossment,

S. B. No. 421, A bill to be entitled "An Act to provide additional compensation to official shorthand reporters of Texas in judicial districts composed of two or more counties, by allowing compensation for actual and necessary expenses when engaged in the discharge of their official duties in counties other than the county of their residence; providing for payment of such expenses by the several counties of the judicial districts upon sworn itemized accounts of such shorthand reporters, providing for recording such accounts in the minutes of the district courts of the county in which such officer resides, and declaring an emergency."

The Chair laid the bill before the Senate and it was read second time.

Yeas and nays were demanded, and the roll was called as follows:

#### Yeas—5.

Bledsoe.	Parr.
Bowers.	Ridgeway.
Davis.	

#### Nays—11.

Burkett.	Pollard.
Darwin.	Turner.
Dudley.	Watts.
Floyd.	Wirtz.
Lewis.	Woods.
McMillin.	

#### Present—Not Voting.

Baugh.	Rice.
Fairchild.	Thomas.

#### Absent.

Cousins.	Strong.
Doyle.	Stuart.
Holbrook.	Witt.
Murphy.	Wood.

#### Absent—Excused.

Bailey.	Rogers.
Clark.	

The Secretary announced that there was not a quorum present.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, March 7, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 104, A bill to be entitled "An Act providing that State banks, or State bank and trust companies, organized under the General Laws of the State of Texas, desiring to convert to any other system of banking, shall give notice to the public by advertisement in a newspaper of such change; providing also that such bank or trust company shall notify the Banking Commissioner of Texas, in writing, of such change, not less than 30 days before such conversion shall be made, providing that no funds shall have been deposited in a State bank and trust company in this State shall be protected by the Guaranty Fund of this State or by the Bond Security law of this State, after such corporation shall have been converted to some other system of banking; prohibiting a State bank or State bank and trust company organized and doing business under the General Laws of the State of Texas, from investing more than fifty per cent of its capital stock and surplus in its banking house, nor more than fifteen per cent of its capital stock and surplus in furniture and fixtures to be contained in its banking house, without first obtaining the written permission of the State Banking Board of the State of Texas, prohibiting officers of State bank and trust companies organized under the General Laws of the State of Texas from engaging in fraudulent or speculative business enterprises calculated to bring discredit upon such bank or bank and trust company, giving the Banking Commissioner of Texas power to remove officers guilty of such practices and to enforce his order of removal by closing and liquidating any bank or bank and trust company so offending; prohibiting State banks or State bank and trust companies organized under Title 14, Vernon's Sayles' Revised Statutes of the State of Texas, 1914, and amendments thereto from issuing non-interest bearing certificates of deposit, shall not be protected by the Guaranty Fund law or the Bond Security plan of the State banks of Texas; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 281, A bill to be entitled "An Act releasing the inhabitants of and the property in Hidalgo County for a period of twenty-five years from the payment of taxes levied for State purposes because of great pub-

lic calamities in said county, as provided in Sec. 10 of Article 8 of the State Constitution, and providing that said county shall vote bonds of said county to prevent the recurrence of such calamities, and in case of the failure of said county to vote such bonds by or before October 1, 1924, said Act shall become null and void, and said taxes collected in the usual manner and paid into the State Treasury, and providing an emergency," with amendments.

House refuses to concur in Senate amendment to H. B. No. 622 and requests the appointment of a Free Conference Committee to adjust the differences. The following committee is appointed on part of the House:

Lee, Thrasher, Faubion, Cowen and Shearer.

S. B. No. 123, A bill to be entitled "An Act to amend Article 4432, Title 65, Chapter 5, and Article 7060, Title 120, Chapter 3, Revised Civil Statutes of Texas, 1911, by substituting therefor new sections; providing for the appointment of an attorney for the state before the Court of Criminal Appeals of Texas, fixing his salary and defining his duties; and providing for the appointment of an assistant attorney for the state before the Court of Criminal Appeals of Texas; fixing his salary, and defining the duties of said assistant; repealing all laws in conflict herewith, and declaring an emergency," with amendments.

S. B. No. 152, A bill to be entitled "An Act to create and establish a court of record in Bowie County, Texas, and known as the Texarkana Court at Law, and limiting the Jurisdiction and powers of said court, and the territorial limits thereof; to conform the jurisdiction of the district and inferior courts thereto; to provide for the appointment, election and qualification of a judge and a clerk of said court, and fix their compensation and tenure of office, and define their duties and powers, and to repeal all laws in conflict herewith, and declaring an emergency."

S. B. No. 362, A bill to be entitled "An Act to create the Desdemona Independent School District in Eastland and Erath Counties, Texas, including the present Desdemona Independent School District, of Eastland County, providing a board of trustees therefor, vesting said independ-

ent school district with all of the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing the board of trustees of the present Desmona Independent School District shall continue to act as such until their successors are elected as provided herein; providing for the assumption of any outstanding indebtedness created by the present Desmona Independent School District; and declaring an emergency."

S. B. No. 390, A bill to be entitled "An Act amending Section 2 of S. B. No. 25, Chapter 1 of the Special Laws of the State of Texas, passed at the First Called Session of the Thirty-seventh Legislature in 1921, and providing for that portion of the land hereby segregated from the Bowie Independent School District to bear its proportionate part of any bonded indebtedness now chargeable against that portion of the district hereby segregated and adding Section 2a and Section 2b."

S. B. No. 411, A bill to be entitled "An Act taking certain property from Common School District No. 49 of Grayson County, commonly known as Jernigan School District and attaching the same to and making it part of Common School District No. 50 of Grayson County, commonly known as Pink Hill School District; providing that the county board of school trustees shall have the same authority with respect to this property as though the same had been added to said Common School District No. 50 by a lawful act of said trustees; and providing for an election to adjust the property thus added to said district as to taxes which may be now levied upon said Common School District No. 50 for local maintenance purposes, and for an assumption by said Common School District No. 50 of pro rata of bonds issued by, and the pro rata taxes assessable against said added property on account of an outstanding bond issue existing against said Common School District No. 49; and declaring an emergency."

S. B. No. 423, A bill to be entitled "An Act amending Chapter 19, Local and Special Laws of the First Called Session of the Thirty-seventh Legislature of the State of Texas, creating the Canton Independent School District in Van Zandt County, Texas;

defining its boundaries, providing for an extension thereof, including the present Canton Independent School District; providing for a board of trustees in said district; conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; providing that the outstanding bonded indebtedness of each school district included within the bounds of said district shall remain chargeable against the territory which voted the same; providing that the district as herein created may assume such outstanding bonded indebtedness; providing for the repeal of all laws in conflict herewith; and declaring an emergency."

S. B. No. 402, A bill to be entitled "An Act creating and incorporating the Houston Independent School District; and defining its boundaries; providing that said Act shall automatically extend to all territory which may hereafter be included in the new city limits by an extension thereof, and providing how the territory adjacent to said district may become part of said district; authorizing and providing the manner of selection of trustees, and describing their qualifications and terms of office, and organizing the Board of Education of the Houston Independent School District, and continuing the present school board until the organization of the Board of Education; and providing for an election to determine whether the board shall remain appointive, as herein required or shall become elective; prescribing the time and method of holding said election and how the trustees shall be elected thereafter if it is determined by said election that the board shall become elective; validating the appointment of and all official acts done by the present school board; prescribing the oath of affirmation of said trustees; providing for the election of officers of said board, and the meetings, records, and conduct of the business thereof; giving said independent school district, through its said board, the power to manage and control, maintain and operate



public free schools within said district, and to prescribe qualifications of, and issue certificates to, teachers; to recognize and validate teachers' certificates and diplomas; to make rules and regulations for the government and conduct of said schools, and for the protection of those attending said schools; to prescribe age limits of pupils, and to enforce their attendance; to employ attendance officers, and to fix their compensation; to take over and hold in trust for public school property and equipment, and to purchase and lease grounds upon which to erect school buildings and play grounds; to construct, equip and maintain such buildings; to provide for the establishment of schools for the teaching of special subjects, and to prescribe the course of study; to provide all necessary articles for the efficient instruction of the pupils, and operation and maintenance of schools; giving said district through the board of education, the power to make contracts, to be a party to actions in courts, without giving bond, either original or on appeal; exempting said district from the levy of executions, attachments and garnishments, and from liability for assignments of wages, and exempting it from liability for damages for personal injuries, or damages to property; and exempting said district and its property from involuntary liens; authorizing it to receive gifts, grants, conveyances, donations and devises for the use of the public free schools, of said independent school district; authorizing it to select a depository upon sealed competitive bids, and prescribing and regulating the conduct of such depository, and requiring bond, and forbidding the making of contracts and the making of purchases in excess of \$1,000.00, except upon competitive bids; giving it the power to levy and collect taxes; to issue and dispose of bonds, and providing for the payment of same, and validating all school bonds and school refunding bonds heretofore issued by the City of Houston as an independent school district, as well as by the proper authorities of Harris County Independent School District Number 26; and validating, confirming and approving all official acts of the board of trustees of the School Board of the city, as well as of the trustees of Harris County In-

dependent School District Number 25, and as well as the present school board; conferring upon said district the power of eminent domain, and the power to sell, exchange and lease the property thereof; to order elections within said district for the issuance of bonds and for the levy of taxes; and providing for the assumption against the City of Houston of all outstanding school bonds and school funding bonds, and of all outstanding bonds of a like kind issued by Harris County Independent School District Number 25, and providing for the payment of interest and the creation of a sinking fund for the liquidation of said bonds, as well as any other bonds which may hereafter be voted; to adopt textbooks; to take the school census; for the removal from office of any member of said board; giving certain officers of said board authority to administer oaths; and providing for a corporate seal, and giving said district through its Board of Education power to manage and control public free schools within said district, and to do all things authorized by this Act; repealing Section 14, Chapter 17, of the Local and Special Laws of the Twenty-ninth Legislature, passed at the Regular and First Called Session thereof, incorporating the City of Houston into an independent school district, said Act having been approved March 18, 1905; and also repealing all Special and General Laws in conflict with the provisions of this Act, and declaring an emergency."

H. B. No. 469, A bill to be entitled "An Act to amend Sec. 70, of Chapter 87, of the Acts of the Regular Session of the Thirty-fifth Legislature of Texas by providing for amortization and an emergency fund for water improvement and irrigation districts, and directing the purpose for which said fund shall be expended, and providing for its investment, and to amend Sec. 95 of said Chapter 87 by providing the method and manner of making and collecting water assessments, and declaring an emergency."

H. B. No. 35, A bill to be entitled "An Act to make emergency appropriation to enlarge and make adequate the central heating and power plant of, to put a new roof on, repair and paint the Household Arts Building of the College of Industrial Arts, and declaring an emergency."

S. B. No. 100, A bill to be entitled "An Act to authorize the formation of, and the regulation of, corporations for the purpose of accumulating and loaning money; of purchasing, holding, selling and dealing in notes, bonds and securities, but without banking and discounting privileges; of acting as trustees under any lawful express trust committed to them by contract and as attorney in fact under any duly executed power of attorney or as agent for the performance of any lawful act; and providing that no corporation organized hereunder shall act as agent, attorney in fact or trustee in the consolidation of, or for the purpose of combining the assets, business or means of any other persons, firms, corporations or associations, and providing an emergency," with amendments.

House has concurred in Senate amendments to H. B. No. 565.

The following committee is appointed on part of the House in compliance with H. C. R. No. 28: Satterwhite, Pope, Chitwood.

Respectfully submitted,

C. L. PHINNEY,  
Chief Clerk, House of Representatives

#### Bills Signed.

The Chair, President Pro Tem R. M. Dudley, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

- S. B. No. 63.
- S. B. No. 141.
- S. B. No. 104.
- S. B. No. 181.
- S. B. No. 281.
- S. B. No. 33.
- S. B. No. 52.
- S. B. No. 136.

#### Adjournment.

On motion of Senator Parr, the Senate at 9:30 p. m. adjourned until 10 o'clock a. m. tomorrow.

#### APPENDIX.

##### Petitions and Memorials

Senator Davis sent up and had read an invitation from Dr. W. T. Davidson, as Director of Dallas Public Health, urging the members of the Leg-

islature to visit the Dallas Health Show, as it is to be a most pretentious exhibit of health and sanitation matters.

Upon motion of Senator Davis, the invitation was accepted.

Senator Wirtz sent up and had read a telegram from Seguin Chamber of Commerce showing intense disapproval of any plan for relocating the Texas prisons, and especially of locating any of the system in Guadalupe County.

Another petition of like tenor, numerous signed by New Braunfels citizens, was sent up by Senator Wirtz. This petition was signed by more than a thousand names from Comal and Guadalupe Counties.

#### Committee Reports.

Senate Chamber,

Austin, Texas, March 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 297 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, March 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 321 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, March 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 243 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, March 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 257 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,

Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Towns

and City Corporations, to whom was referred Senate Bill No. 380 have had same under consideration, and I am instructed to report it back with the recommendation that it do pass and that the same be printed in the Journal.

Ridgeway, Chairman; Davis, McMillin, Turner.

Committee Room,  
Austin, Texas, March 7, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 559, A bill to be entitled "An Act to create the Austwell Independent School District in Refugio County, Texas, including the present Common School District No. 9 of said county; providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas, providing that the board of trustees of the present Common School District No. 9 shall continue to act as such until their successors are elected as provided herein; providing for the assumption of any outstanding indebtedness created by the Common School District No. 9; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WOOD, Chairman.

Committee Room,  
Austin, Texas, March 7, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 430, have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

WOOD, Chairman.

Committee Room,  
Austin, Texas, March 7, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 631, A bill to be entitled "An Act to regulate the killing of deer in the counties of Culberson, Hudspeth, and El Paso; defining offenses and prescribing penalties for the vio-

lation thereof, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and that it be printed in the Journal.

WITT, Chairman.

Committee Room,  
Austin, Texas, March 7, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 632, A bill to be entitled "An Act to regulate the killing of deer in the counties of Reeves, Pecos and Jeff Davis; defining offenses and prescribing penalties for the violation thereof, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and that it be printed in the Journal.

WITT, Chairman.

Committee Room,  
Austin, Texas, March 6, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 635, A bill to be entitled "An Act to regulate the killing of deer in the counties of Uvalde, Medina, Zavalo and Dimmit; defining offenses and prescribing penalties for the violation thereof, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

WITT, Chairman.

Committee Room,  
Austin, Texas, March 7, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 338, A bill to be entitled "An Act to amend Subdivision 3 of Article 7507 of Chapter 11, Title 126, Revised Civil Statutes of 1911, pertaining to the payment of county taxes on lands acquired and owned by the State for the purpose of establishing thereon State farms and employing thereon convict labor on State account so as to provide for the payment of taxes on such lands

levied and assessed for the purpose of paying the interest on and creating a sinking fund to redeem at maturity bonds voted and approved by the Attorney General prior to the acquisition of such land by the State; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and that it be printed in the Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, March 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 633, A bill to be entitled "An Act making it an offense for any person to kill, take or have in his possession, wild quail within the period of five years from the passage of this Act in the counties of Medina, Uvalde, Zavala, Dimmitt, Kinney or Val Verde; prescribing penalties for the violation of this Act, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and that it be printed in the Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, March 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 634, A bill to be entitled "An Act to regulate the killing of deer in the counties of Terrell, Val Verde and Kinney; defining offenses and prescribing penalties for the violation thereof, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and that it be printed in the Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, March 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 431, A bill to be entitled

"An Act making unlawful the making or use of false statements in writing respecting the financial condition or means, or ability to pay, of the person making such false statement, or causing same to be made, or of any other person, firm or corporation in which he is interested, or for whom he is acting, for the purpose of obtaining money, property, or credit, or the making, acceptance, discount, sale, or endorsement of a bill of exchange or promissory note, amounting to more than fifty dollars, whether such statements are made directly or indirectly; making such offense a felony and prescribing punishment therefor."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and that it be not printed, as S. B. No. 272, which is exactly like it, has already been printed.

TURNER, Chairman.

Committee Room,

Austin, Texas, March 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 429, A bill to be entitled "An Act to amend an Act passed by the Thirty-fourth Legislature of Texas at its Regular Session and approved February 18, 1915, which Act was House Bill No. 177, Chapter 17, of the said session of the said Legislature, amending Sections 26 and 53 of Article 30, of the Revised Civil Statutes of Texas, 1911; to reorganize the Twenty-sixth Judicial District of Texas; to abolish the Criminal District Court of Travis and Williamson counties; to create the Ninety-sixth Judicial District of Texas; to fix and define the jurisdiction of the Twenty-sixth, Fifty-third and Ninety-sixth Judicial Districts of Texas; to fix the time for holding of courts in each of the said judicial districts; to provide for the organizing of grand juries in each of the courts held in the said judicial districts; to provide for a district attorney for the counties of Travis and Williamson; and fixing his compensations; to provide for the transfer of all causes pending on the docket of the said criminal district court in Williamson County to the

Twenty-sixth Judicial District Court, and for the transfer of all cases on the docket of the said criminal district court in Travis County to the Fifty-third and Ninety-sixth Judicial District Courts; to provide for the election of a judge for the Ninety-sixth Judicial District Court; to provide for the appointment of court reporters for the Twenty-sixth, Fifty-third and Ninety-sixth Judicial Districts to confirm and validate all writs, process, bonds, recognizance, judgments, orders of the said criminal district court, transferred hereunder, and the drawing of grand and petit juries in conformance with the changes herein made; to fix the time that this Act shall take effect; and to repeal all laws and parts of laws in conflict herewith."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed only in the Journal.

POLLARD, Chairman.

#### FORTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,  
Thursday, March 8, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem R. M. Dudley.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Clark. Rogers.

Prayer by Rev. Dr. Minter of Austin.  
Pending the reading of the Journal

of yesterday, the same was dispensed with on motion of Senator Doyle.

#### Bills and Resolutions.

By Senator Ridgeway:

S. B. No. 431, A bill to be entitled 'An Act to provide for the purchase and conveyance to the State of Texas of the land in the City of San Antonio known as the Ancient Government Palace property, which was the building used as the capitol of the ancient Province of Texas; and for the care and preservation of said property; and appropriating the sum of fifty-seven thousand dollars (\$57,000) to carry out the provisions of this Act.'

Read first time and referred to Committee on Finance.

#### S. B. No. 107.—House Amendments Concurred In.

Senator Holbrook called up S. B. No. 107 and moved that the Senate concur in the following House amendments:

Amendment No. 1.

Amend line 13 of Section 2 of the original Senate bill by striking out the words four thousand and substituting the words five thousand in lieu thereof and by striking out the figures \$4,000.00 and substituting in lieu thereof the figures \$5,000.00.

Amendment No. 2.

Amend line 8 of Section 4 of the Original Senate bill by striking out the words four thousand and substituting the words five thousand in lieu thereof and by striking out the figures \$4,000.00 and substituting in lieu thereof the figures \$5,000.00.

The Chair laid the bill before the Senate, and the House amendments were concurred in.

#### H. B. No. 361 on Final Passage.

The Chair laid before the Senate as pending business, on its final passage, H. B. No. 361, regulating license fees on motor vehicles, etc., which was read third time on yesterday and postponed until after the morning call today.

Senator Burkett offered the following amendment to the bill:

Amend caption to H. B. No. 361, by striking out of line 4, page 2, the following: "Authorizing peace officers to detain certain vehicles not properly registered."